

Present: President Mooney; President Pro-Tem Peddie; Members: Abboud, Delaney, Mueller, Nunez and Oen

Absent: None

Also Present: Manager, Wilson
Assistant Manager/Clerk, Marshall
Village Attorney, Ryan
Public Safety Director, Torongeau
Finance Director, Sheila McCarthy

Council President Mooney called the regular Council meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

AMENDMENTS TO AGENDA/APPROVE AGENDA

Motion by Mueller, second by Oen, to move Consent Agenda Item 4 “Review and consider request from the Beverly Hills Athletic Club for the use of Beverly Park tennis courts during the 2017 season” to Business Agenda Item 10.

Motion passed.

Motion by Oen, second by Peddie, to approve the agenda as amended.

Motion passed.

Abboud arrived at 7:33 p.m.

SPECIAL ORDER OF BUSINESS

Clerk Marshall administered the oath of office to new Public Safety Officer Vahan Bush. Bush attended Wayne State University earning his Bachelor Degree in nutrition and food science. He attended the Oakland County Police Academy and graduated at the top of his class.

Mooney introduced and newly promoted Public Safety Sergeant Lee Davis. Davis has been serving the Village since 2004 and was elected Beverly Hills Public Safety Officer of the Year in 2009. He has been honored by Mothers Against Drunk Driving, and the International Optimists Club. He has been the school liaison officer, the motor carrier enforcement officer, and is currently the evidence technician. Davis thanked the Council and Chief Torongeau for their continued support and expressed how honored he is to serve in an exceptional community.

COMMUNITY ANNOUNCEMENTS

None

PUBLIC COMMENTS

Harriet Green, Beverly Road, expressed concern about the flooding and freezing along the sidewalks installed on Beverly Road.

PUBLIC HEARING – PROPOSED ORDINANCE AMENDING CHAPTER 22 OF THE MUNICIPAL CODE, SECTION 22.08.280 REGULATION OF NUISANCE ACTIVITIES

President Mooney declared the public hearing open at 7:38 pm to receive comments on the proposed ordinance amending Chapter 22 of the Municipal Code, Section 22.08.280 Regulation of Nuisance Activities

Bill Wegert, Westlady Drive, expressed his concern that the ordinance only focuses on sites with foundation work. He stated he was unable to access a copy of the proposed ordinance. He shared a copy of Birmingham's ordinance as a suggestion for what should be included in the Village ordinance. He is disappointed that there is nothing in the ordinance regarding scaffolding or when a home is being razed.

The public hearing was closed at 7:50 pm.

CONSENT AGENDA

Motion by Oen, second by Delaney, to approve the consent agenda as follows:

1. Review and consider approval of minutes of a joint Council/Planning Commission meeting held February 8, 2017.
2. Review and consider approval of minutes of a regular Council meeting held February 21, 2017.
3. Review and file bills recapped as of Monday, March 6, 2017.
4. Review and consider request from Our Lady Queen of Martyrs to use Village streets and sidewalks for their Oktoberfest 5K Race on September 30, 2017.
5. Set public hearing date of April 4, 2017 to receive comments on a proposed ordinance amending Chapter 17 (Trees) of the Municipal Code.

Motion passed.

BUSINESS AGENDA

FIRST READING OF AN ORDINANCE AMENDING CHAPTER 22 OF THE MUNICIPAL CODE, SECTION 22.08.280 REGULATION OF NUISANCE ACTIVITIES

Abhoud explained that at the January 25, 2017 Planning Commission meeting, the Commission held a public hearing and recommended Council review and consideration of ordinance language requiring fencing at construction sites. The Village Building Official confirmed there are no standards within the Michigan Building Code that can be applied to compel a contractor to erect barriers as described in the draft language. The language would be added to the existing ordinance Section 22.08.280 Regulation of Nuisance Activities as item b, and would require contractors to erect a rigid barrier during the period when an open hole/excavation is on a project site.

The Planning Commission discussed the merits of fence height and requirements for the period during which such a barrier would be required. The consensus was to recommend language with minimal height and longevity requirements and to allow the Village Building Official discretion to evaluate the appropriateness of barriers on a site-specific basis. Once in effect, administration will add language to the building permit application and the building permit noting the new requirement, as well as verbally, to ensure contractors are aware of the change.

A public hearing notice on this language was published in the Birmingham Observer & Eccentric on Sunday, February 19, 2017. The Village Council has held a public hearing, and first reading of the proposed ordinance. A second reading will occur prior to adoption. Upon adoption by Council, the language will take effect 20 days after publication.

Ryan indicated that Section 1.01.a in the ordinance is being readapted.

Abboud explained that the priority for the Village is the safety of the residents; if a contractor does not comply with the ordinance they will not be allowed to build.

Oen echoed support of the ordinance and feels it is a priority for safety of adults and children.

Delaney expressed concern that this ordinance only pertains to excavation sites and not any sort of home construction. The language is broad relating to renovations, remodeling or vacant property bring secured.

Ryan clarified there are many ways to secure a vacant property, and that contractors, owners, and the building official will work together to secure a site for safety reasons. The language is adequate to protect the public at the discretion of the Building Official.

Wegert expressed concern that there are no restrictions on how long an open hole or excavation site can be left unfinished. He shared the example of a home in his own neighborhood, which was left open for weeks causing flooding.

REVIEW AND CONSIDER RESOLUTION FOR MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM (MERS) APPLICATION FOR ADDITIONAL CREDITED SERVICE FOR ANDREW VANHORN

Public Safety Officer, Andy Van Horn, has made inquiries to the Municipal Employees' Retirement System regarding the purchase of additional service credit. PSO Van Horn is a vested member of the Public Safety Department with over 17 years of service. MERS has run a calculation for the purchase of 15 months of service credit. Five years is the maximum amount of service credit that can be purchased. The purchase price of \$34,448 is the full responsibility of PSO Van Horn. Village Administration has reviewed this option with PSO Van Horn and is confident that he is aware of the regulations and ramifications of this purchase.

Motion by Delaney, second by Oen, that by Resolution of its Governing Body, at its meeting on March 7, 2017, as provided by the MERS Plan Document, and in accordance with the employer's policy, the employer hereby authorizes the participant named above to make a service credit purchase from MERS as described above. The employer understands this is an estimated cost, calculated using actuarial assumptions approved by the Retirement Board. Any difference between the assumptions and the actuarial experience will affect the true cost of the additional service to the employer. The calculation assumptions are outlined above and the employer understands and agrees it is accountable for any difference between estimated and actual costs.

Roll call vote.

Motion passed unanimously.

REPORT REGARDING THE USE OF STATE BONDING

Wilson explained the Drinking Water Revolving Fund (DWRF) provides loans to municipalities at 2.5%, however the rate is not as favorable as if it were secured elsewhere, and the requirements to secure the funding is cumbersome. The Village has not sought bonding in approximately 20 years, therefore a qualifying statement from the State of Michigan must be procured as well as the use of Bond Counsel. This is a 90-120 day process for the issuance of a bond, so this would be in preparation for the 2018 calendar year.

McCarthy explained that the Village Water and Sewer Fund cannot be used, as there are not adequate funds in that account to fund a major sewer project.

Wilson confirmed that the Village would be bonding between \$3 and \$4 million.

REPORT FROM THE INFRASTRUCTURE SUBCOMMITTEE

Peddie reported that the committee has identified areas on the east side of the Village that will need a major water main replacement project. The committee will have more information on this project in April.

Delaney reported that the Village hopes to complete the Erity Dam project in the summer of 2017. The major delay in the project has been the granting of easement access, as well as permitting from the DEQ.

Wilson reported the easement documents have been finalized. Once that easement is in place, it is submitted to the DEQ who will award the permit. Once that has been awarded, there is a 30 day public notification process, during which the Village will work to secure bids for the construction. Once the project is started it will result in 7-10 days of road closure. Mooney asked that the project be completed by September 2017.

Delaney reported that the Village is waiting for funding from the State and the County to cover upcoming road projects. The work on Evergreen in conjunction with Southfield and Lathrup Village is planned for completion in September 2017.

REPORT FROM THE PUBLIC SAFETY SUBCOMMITTEE

Delaney reported that the smaller fire engine is performing inadequately. The Village plans to purchase a new engine, but is working to get the best deal possible. The truck is expected to be presented to Council later in the 2017 fiscal year.

Cost research is ongoing related to safety cameras in the lobbies of the Village office as well as the Southfield Township office. The footage would stream directly to the Public Safety offices. This project will go out to bid for the provision and installation of equipment.

REPORT FROM THE PERSONNEL SUBCOMMITTEE

Peddie reported that the subcommittee has determined it would be beneficial to bid out auditor services for the 2017-18FY. The Village will retain Tom Ryan for legal services, and LSL for planning services. The Public Safety and Village Manager contracts will be reviewed at the time they come up for renewal.

REVIEW AND CONSIDER RECOMMENDATION FROM THE PARKS & RECREATION BOARD TO PURCHASE A PING PONG TABLE AND TWO CHESS TABLES

Mueller explained, the Parks & Recreation Board has discussed the purchase of a permanent outdoor ping pong table at Beverly Park. Chairperson Hausman completed significant research on types, manufacturers, etc. At their February meeting, the Board agreed on a table made by Stone Age and distributed through Bravado Outdoor Products in Oregon. The table is regulation size and made of solid concrete and comes with solid concrete legs. It can be dyed green with black acid-etched lines and edges and the legs would be grey. The net, made of metal, would also be black with the words Beverly Park cut out of the metal. The table requires a 28' x 13.5' concrete pad with a slight slope for drainage. It comes with a three-year warranty that covers all concrete (except the pad) and steel parts. Recommended maintenance includes resealing the concrete every two years with polyurethane sealer and touching up table lines and powder coated parts to provide maximum rust protection. The proposed location for installation is south of the basketball/volleyball courts.

The Board also discussed the purchase of two concrete chess tables and stools, one for Riverside Park and one for Beverly Park. The chess tables are designed for permanent outdoor use. They have a glossy glass finish with inlaid marble meant to last in public parks. The table has a five-foot concrete round post that requires sinking two feet into concrete. The matching stools also have a post that requires burying and setting in concrete. Exact locations for installation of the chess tables are to be determined.

Purchase price of ping pong table	\$4,925.00
Concrete pad for ping pong table	\$2,400.00
Two chess tables and four stools	\$4,440.00
Shipping costs	\$781.00
Multi-table purchase discount	(\$281.00)
Total	\$12,265.00

Comeau Equipment has the proper equipment for off-loading and installing both tables.

Ryan inquired if the purchase was put out for bid before the supplier was chosen. Mueller explained that there was extensive initial research, there are few providers of this item as described, and this was the best price.

Motion by Mueller, second by Abboud to table the discussion until the March 21, 2017 meeting, allowing Mueller time to review cost and sourcing.

Motion passed.

REVIEW AND CONSIDER RECOMMENDATION FROM THE PARKS & RECREATION BOARD TO REPLACE DRINKING FOUNTAIN AT BEVERLY PARK PAVILION

Mueller explained that at the February Parks & Recreation Board meeting, the Board agreed to recommend Council's consideration to purchase a replacement drinking fountain at the Beverly Park pavilion. The new drinking fountain would have a bottle filler. A proposal has been

received from Nelson Brothers in the amount of \$3,317 for the purchase and installation of a new fountain that will retro fit onto the current fountain previously installed by them.

Motion by Mueller, second by Oen, be it resolved that the Beverly Hills Village Council approves the purchase and installation of a drinking fountain from Nelson Brothers Sewer & Plumbing in the amount of \$3,317.00 to update the existing fountain at the Beverly Park pavilion.

Roll call vote.

Motion passed unanimously.

REVIEW AND CONSIDER RECOMMENDATION FROM THE PARKS & RECREATION BOARD TO PURCHASE ADDITIONAL ADULT EXERCISE EQUIPMENT FOR BEVERLY PARK

Mueller explained that at the February Parks & Recreation Board meeting, the Board recommended Council's approval to purchase two more pieces of outdoor fitness equipment to add to the six pieces that were installed last year. A list of the current equipment is below:

- Step Up
- Leg Lift
- Sit Up
- Dip Station
- Push Up
- Chin Up

The Board is recommending the purchase and installation of a Rope Climb and a Hyper Extension Bench.

Motion by Mueller, second by Oen, be it resolved that the Beverly Hills Village Council approves the purchase and installation of two pieces of exercise equipment from Miracle Midwest for a cost not to exceed \$4,000 to be located beside the current exercise equipment. Pieces include rope climb and hyper extension bench along with signage for each.

Roll call vote.

Motion passed unanimously.

REVIEW AND CONSIDER REQUEST FROM THE BEVERLY HILLS ATHLETIC CLUB (BHAC) FOR THE USE OF BEVERLY PARK TENNIS COURTS DURING THE 2017 SEASON

Mueller explained that the Beverly Hills Athletic Club has submitted a request exclusive use of two tennis courts at Beverly Park for 22 days during the months of June and July this summer. Last year they were issued a permit for 22 days. This year's request is as follows:

9:00 am to 3:00 pm – June 19, 20, 21, 26, 27, and 28 and
July 5, 6, 7, 10, 11, 12, 17, 18, 19, 24, 25, and 26

1:00 pm to 3:00 pm - June 22, 29 and July 13 and 20

At their meeting on February 16, 2017, the Parks & Recreation Board recommended approval of this request. Last year BHAC made a \$500 donation to the Village for the opportunity to reserve the tennis court.

Peddie, Delaney, and Abboud recommended that one court be available for residents to use at any time.

Dylan Brown, Robinhood, is on the BHAC tennis team, and he would like to see this approved for their usage.

Motion by Mueller, second by Oen, that the Village Council authorize the Village Manager, acting as Park Superintendent, to approve the exclusive use of one tennis court in Beverly Park by the Beverly Hills Athletic Club on June 19, 20, 21, 22, 26, 27, 28, 29, July 5, 6, 7, 10, 11, 12, 13, 17, 18, 19, 20, 24, 25, and 26 as requested. A Certificate of Insurance naming the Village of Beverly Hills as an additional named insured under its certificate of liability is on file at the Village Office for use of the tennis courts.

Roll call vote.

Motion passed unanimously.

PUBLIC COMMENTS

None.

MANAGER'S COMMENTS

FY 2017-18 Budget – In compliance with the Village Charter members of the Village Council will be provided with a draft of the 2017-18 budget by the first meeting in April. The budget, per the Charter, must be adopted by the second meeting in May. It has been the past practice of the Village to pass the budget by the first meeting in May. It has also been past practice to hold a workshop for Council to review and provide input on the budget in the period between receiving the first draft and approval. In the past, this has been done in conjunction with a regular Council meeting or at a separate meeting.

Yard Waste Collection – Curbside yard waste collection will begin April 3rd. Yard waste put to the curb prior to this date will not be collected. Prior to the start of curbside yard waste collection, residents can take up to 10 bags of yard waste, in paper yard waste bags, to the SOCERRA Materials Recycling Facility (MRF) on Coolidge north of 14 Mile.

Contract Negotiations – Village Administration has begun the process of contract negotiations with the Public Safety Officers Union and the Command Union. The PSO contract expires on June 30th of this year with the Command contract expiring on December 31st of this year. Village Administration anticipates being able to reach an agreement with both unions.

Southfield Road Corridor Meeting -- The Road Commission for Oakland County (RCOC) will conduct a third public information and comment meeting at Lathrup Village City Hall to present information about the ongoing Environmental Assessment study of potential future

improvements to the Southfield Road corridor from Mt. Vernon Road to approximately 1,200 feet north of 13 Mile Road. The meeting will be held on Wednesday, March 8th at the Lathrup Village City Hall from 4:30 to 7:30. The public is encouraged to attend this open-house-style meeting and learn about the alternatives that are being carried forward in the corridor study, ask questions and offer input regarding the corridor. The study is being implemented in accordance with the National Environmental Policy Act (NEPA) and will be completed prior to proceeding with any engineering design for future roadway improvements.

COUNCIL COMMENTS

Nunez would like to see less concrete being installed in the parks and more green space offered.

Mueller shared that the Parks & Recreation Board is planning to have a landscape plan developed for Riverside Park.

Abboud shared that ATHE Planning Commission is moving forward with the review of the residential fencing ordinance, and the tree ordinance. He continues to attend SEMCOG meetings and looks for opportunities of which the Village can take advantage.

Mooney thanked the members of Troop 1024 and their parents for attending the Council meeting.

Motion by Oen, second by Abboud, to adjourn the meeting at 9:22 p.m.

Motion passed.

John Mooney
Council President

Ellen E. Marshall
Village Clerk

Elizabeth Lyons
Recording Secretary